

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH AMAZIAH TRENTON,

Plaintiff,

v.

No. 1:22-cv-00045-WJ-JHR

EXPERIAN, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER OVERRULING OBJECTION
AND GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS**

Pro se Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs (*Short Form*), Doc. 1, filed January 20, 2022. After failing to comply with United States Magistrate Judge Jerry H. Ritter's Order to file an Application to Proceed in District Court Without Prepaying Fees or Costs (*Long Form*), and later failing to comply with Judge Ritter's Order to Show Cause, Plaintiff filed his Motion for Leave to File Interlocutory Appeal of the Court's Order denying Plaintiff *in forma pauperis* status.

The undersigned denied Plaintiff's motion for leave to file an interlocutory appeal of the Court's Order denying Plaintiff *in forma pauperis* status because the Court had not yet ruled on Plaintiff's Application to proceed *in forma pauperis*. The Court ordered Plaintiff to file a supplement to his Application to proceed *in forma pauperis* which indicates whether Plaintiff has a spouse and, if he has a spouse, describes the spouse's income, expenses, amount of money the spouse has in cash and bank accounts, and any reasons Plaintiff does not have access to his spouse's assets. *See* Doc. 7, filed March 11, 2022.

Plaintiff subsequently filed his Objection, now before the Court, which: (i) objects to the undersigned's previous Order denying Plaintiff's motion for leave to file interlocutory appeal; (ii) "again requests the [granting] of his motion for interlocutory appeal;" (iii) requests "the

appointment of an unbiased judge;" and (iv) states "Plaintiff is not married." Objection at 1-3.

The Court did not previously rule on Plaintiff's Application to proceed *in forma pauperis*, which indicated Plaintiff had no income, because the Application did not indicate whether Plaintiff had a spouse and did not describe the spouse's income, expenses, etc. Because Plaintiff has since indicated that he "is not married," the Court grants his Application to proceed *in forma pauperis*.

Plaintiff objects to the undersigned's Order denying Plaintiff's motion for leave to file an interlocutory appeal. Plaintiff states, incorrectly, that the undersigned's Order "d[id] not address the motion for leave to file interlocutory appeal." Objection at 1. Plaintiff filed his motion for leave to file an interlocutory appeal of "the Court's Order denying Plaintiff in forma pauperis status." Doc. 6 at 1, filed March 7, 2022. The undersigned denied Plaintiff's motion for leave to file an interlocutory appeal "because the Court has not yet ruled on Plaintiff's motion to proceed *in forma pauperis*." Doc. 7 at 2, filed March 11, 2022. The Court overrules Plaintiff's Objection and denies Plaintiff's request to allow Plaintiff to file an interlocutory appeal because the Court is granting Plaintiff's Application to proceed *in forma pauperis*.

The Court denies Plaintiff's request for "the appointment of an unbiased judge." Objection at 3. Plaintiff "fears he is being biased as to current case law" and states he "dated a clerk of this Court and fears he may not be receiving fair treatment." Objection 2. Plaintiff does not cite any facts supporting his contention that the undersigned is biased. The undersigned does not know Plaintiff and was not aware that Plaintiff dated "a clerk" of this Court. *See Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.*, 956 F.3d 1228, 1241 (10th Cir. 2020) ("it is well settled that a motion to recuse cannot be based solely on adverse rulings").

IT IS ORDERED that:

- (i) Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form), Doc. 1, filed January 20, 2022, is **GRANTED**.
- (ii) Plaintiff's Objection to Court's 03/11/2022 Memorandum Opinion and Order for Supplement, Doc. 8, filed March 21, 2022, is **OVERRULED**.
- (iii) Plaintiff's request to file an interlocutory appeal is **DENIED**.
- (iii) Plaintiff's Motion for Appointment of Unbiased Judge, Doc. 8, filed March 21, 2022, is **DENIED**.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE